

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.35576 of 2015

and

M.P.No.1 of 2015

Balaraman

... Petitioner

Vs

1. The Superintendent Engineer,
Tamil Nadu Electricity Board,
Nagapattinam

2. The Executive Engineer,
Operations & Maintenance,
Tamil Nadu Electricity Board,
TB Road, Thenpathy,
Sirkali, Nagapattinam District

3. The Assistant Engineer,
Operation and Maintenance (West)
Tamil Nadu Electricity Board,
Sirkali, Nagapattinam District

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records of 2nd respondent in his proceedings in Ku.AA.No.Se.Po/E&Pa/Sir/Thothu/Ko-Agriculture/A.No.18/2014 dated 28.3.2014 and quash the same and consequently direct the first respondent to consider the representation of the petitioner dated 17.9.2014 and pass necessary orders for providing electric service connection to petitioner's pumpset in Land situated in Survey Number 147/1 in Maruthakudi Village, Sirkali Taluk as requested by him in his representation.

For Petitioner : Mr.S.Sounthar
For Respondents : Mr.P.Gunaraj

ORDER

Heard Mr.S.Sounthar, learned counsel for the petitioner and Mr.P.Gunaraj, learned counsel, who accepts notice for the respondents and with the consent of parties, the writ petition itself is taken up for final disposal.

2. The petitioner seeks for issuance of a writ of certiorarified mandamus to quash the memo dated 28.3.2014 issued by the second respondent and to direct the respondents to consider his representation dated 17.9.2014 and provide electricity service connection to the pumpset in the land situated in Survey Number 147/1 in Maruthakudi Village, Sirkali Taluk.

3. The petitioner states that he has been cultivating the said lands and the land belongs to the temple, namely, Arulmigu Vaithiyanathaswamy Devasthanam. The petitioner would state that service connection No.179 stands in his name in respect of S.No.134/6. He would further state that since the lands in S.No.147/1 could not be cultivated on account of scarcity of water, he decided to put up a pumpset in S.No.147/1 and he applied for transferring the service connection already existing in S.No.134/6 to his new pump set in S.No.147/1. The said application was returned without perusing any of the documents. The petitioner is said to have produced NOC from the owner of the land, namely, the temple, stating that there is no impediment for providing electricity service connection to S.No.147/1.

4. The petitioner would further state that the second respondent, instead of considering the documents, merely returned all the documents back, which have now been represented along with a representation dated 17.9.2014.

5. On perusing the material papers placed on record, it is evident that the second respondent did not consider the petitioner's application in a proper perspective, but merely returned the application without appreciating the scope of the documents produced, which resulted in an erroneous proceedings dated 28.3.2014. Hence, the writ petition is allowed and the impugned order is set aside and the matter is remitted to the second respondent for fresh consideration and the second respondent is directed to consider all the documents produced by the petitioner, conduct an enquiry into the matter and if necessary, verify the details from the concerned temple and thereafter proceed to take decision in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs.
Connected miscellaneous petition is closed.

msk

-s/d-

Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent Engineer,
Tamil Nadu Electricity Board,
Nagapattinam
2. The Executive Engineer,
Operations & Maintenance,
Tamil Nadu Electricity Board,
TB Road, Thenpathy,
Sirkali, Nagapattinam District
3. The Assistant Engineer,
Operation and Maintenance (West)
Tamil Nadu Electricity Board,
Sirkali, Nagapattinam District

+ 1 cc to Mr.S.Sounthar, Advocate SR 60657

+ 1 cc to Mr.P.Gunaraj, Advocate SR 60541

sk(co)
prk23/11

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